



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,654	02/09/2004	Paul D. Sergi	AUT.P0020	8798

7590 04/14/2005

Edward G. Greive
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor
First National Tower
Akron, OH 44308-1456

EXAMINER

NGUYEN, HOANG V

ART UNIT	PAPER NUMBER
----------	--------------

2821

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,654

Applicant(s)

SERGI, PAUL D.

Examiner

Hoang V. Nguyen

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-15, 17-21, 23-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 6-8, 16, 22, 28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9-15, 17-21, 23-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kallina (US 6,313,800 B1).

Regarding claim 1, Kallina (Figures 7 and 9) discloses an antenna comprising a mast 807; a block 803 and 804 carried by the mast; the block having a plurality of bores therein; and conductive rods 801 and 802 slidably received in at least some of the bores.

Regarding claim 2, as applied to claim 1, Figure 7 of Kallina shows a passageway communicating with the bore adapted to receive a set screw 806 to hold the rods at a selected position within the bores.

Regarding claim 3, as applied to claim 1, Figure 7 of Kallina shows that the block includes an additional bore to receive the mast.

Regarding claim 4, as applied to claim 4, Figure 7 of Kallina shows that the block is generally cylindrical.

Regarding claim 5, as applied to claim 4, Figure 7 of Kallina shows that the bores extend generally chordally through the block.

Regarding claim 9, as applied to claim 4, Figure 7 of Kallina shows that the block includes an axial bore to receive the mast.

Art Unit: 2821

Regarding claim 10, as applied to claim 1, Figure 9 of Kallina shows a coil 809 positioned on the mast.

Regarding claim 11, as applied to claim 1, Kallina (Figure 7, col 12 lines 53-60) teaches that the rods can extend out of the apertures approximately an equal distance from the block for optimal reception of a desired frequency.

Regarding claim 12, as applied to claim 1, Kallina (Figure 7, col 12 lines 53-60) teaches that the majority of the length of the rods can extend out of one of the apertures for optimal reception of a desired frequency.

Regarding claims 13-15, 17-21 and 23, the antenna structure of Kallina (Figures 7 & 9 and col 12, lines 41-60) would enable the method of constructing an antenna having a mast 807 carrying a coil 809 and a plurality of rods 801 and 802 comprising the steps as claimed.

Regarding claims 24-27 and 29, the antenna structure of Kallina (Figures 7 & 9 and col 12, lines 41-60) would enable the method of constructing an antenna having a mast 807 carrying a plurality of rods 801 and 802 comprising the steps as claimed.

Allowable Subject Matter

3. Claims 6-8, 16, 22 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, Kallina fails to specifically teach, among other features, that each of the bore forms opposed apertures in the block, wherein the apertures being approximately 120 degrees of each other.

Art Unit: 2821

Regarding claims 7 and 8, Kallina fails to specifically teach among other features, that there is a first set of three axially spaced bores.

Regarding claim 16, Kallina fails to further teach, among other features, the step of selecting three or six rods.

Regarding claims 22 and 28, Kallina fails to specifically teach, among other features, the step of adjusting includes the step of adding a stinger to the antenna.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Patent 2,445,336 discloses an antenna comprising a mast; a block carried by the mast; the block having a plurality of bores; and conductive rods received in the bores of the block.
- Patent 4,419,169 discloses an antenna comprising a plurality of conductive rods attached to a block connected to a mast.
- Patent 6,496,152 B2 discloses an antenna comprising conductive rods received in the bores of a block.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang V. Nguyen whose telephone number is (571) 272-1825. The examiner can normally be reached on Mondays-Fridays from 9:00 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoang Nguyen can be reached on (571) 272-1825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2821

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hvn
4/12/05



HOANG V. NGUYEN
PRIMARY EXAMINER